

**REPEAL OF EXEMPTION FROM
NONRESIDENT TUITION**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Glenn A. Donnelson

LONG TITLE

General Description:

This bill repeals an exemption from nonresident tuition within the State System of Higher Education.

Highlighted Provisions:

This bill:

► repeals the provision that, if allowed under federal law, a student, other than a nonimmigrant alien, shall be exempt from the nonresident portion of total tuition if the student:

- attended high school in this state for three or more years; and
- graduated from a high school or received its equivalent in this state; and

► makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2005.

Utah Code Sections Affected:

AMENDS:

53B-13a-102, as last amended by Chapter 10, Laws of Utah 2004

REPEALS:

53B-8-106, as enacted by Chapter 230, Laws of Utah 2002



Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53B-13a-102** is amended to read:

53B-13a-102. Definitions.

As used in this chapter:

(1) "Cost of attendance" means the total of costs payable to the institution, plus other direct educational expenses and transportation and living expenses while attending the institution, set forth in institutional cost-of-attendance budgets which meet criteria established by board rules.

(2) (a) "Eligible student" means a financially needy student who is:

(i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at least a half-time basis, as defined by the board, in an eligible postsecondary program leading to a defined education or training objective, as defined by the board; and

(ii) ~~[(A)] a resident student under Section 53B-8-102 and rules of the board[; or].~~
~~[(B) exempt from paying the nonresident portion of total tuition under Section 53B-8-106.]~~

(b) "Eligible student" does not include a graduate student.

(3) "Federal poverty guideline" means the federal poverty measure issued each year by the U.S. Department of Health and Human Services in the Federal Register.

(4) "Financial aid" means grants or work-study stipends to financially needy students enrolled or accepted for enrollment at a Utah postsecondary institution.

(5) "Financially needy student" means a student who demonstrates, on the basis of criteria established by the board, the financial inability, either through the student's parents or family, or personally, to meet all or a portion of the total cost of attendance at an institution for any period of attendance as defined by the board.

(6) "Fiscal year" means the fiscal year of the state.

(7) "Program" means the Utah Centennial Opportunity Program for Education.

(8) "Utah postsecondary institution" or "institution" means:

- (a) an institution of higher education listed in Section 53B-1-102; or
- (b) a Utah private, nonprofit postsecondary institution that is accredited by a regional accrediting organization recognized by the board.

59 Section 2. **Repealer.**
60 This bill repeals:
61 Section **53B-8-106, Resident tuition -- Requirements -- Rules.**
62 Section 3. **Effective date.**
63 This bill takes effect on July 1, 2005.

Legislative Review Note
as of 1-25-05 9:51 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

Repeal of the exemption for nonresident tuition waivers for immigrant non-resident alien students could generate approximately \$200,000 in dedicated credits based on 48 students currently taking advantage of these exemptions. This calculation allows for some students to drop out because of the inability to pay the non-resident tuition rates.

| | <u>FY 2006</u> | <u>FY 2007</u> | <u>FY 2006</u> | <u>FY 2007</u> |
|-------------------|----------------|----------------|------------------|------------------|
| | <u>Approp.</u> | <u>Approp.</u> | <u>Revenue</u> | <u>Revenue</u> |
| Dedicated Credits | \$0 | \$0 | \$200,000 | \$220,000 |
| TOTAL | \$0 | \$0 | \$200,000 | \$220,000 |

Individual and Business Impact

Undocumented immigrant alien non-resident students would be required to pay out of state tuition.

Office of the Legislative Fiscal Analyst